

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DERRICK LAMAR SWAIN,

Defendant.

Hon. Robert J. Jonker

Case No. 1:17-cr-00228-6

ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in an Indictment which charges defendant with conspiracy to distribute cocaine, in violation of 21 U.S.C. §§ 846 and 841(a)(1). Given the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis the he is a danger to the community, 18 U.S.C. § 1342(f)(1), and that he poses a significant risk of flight, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing on November 15, 2017, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the presumption of detention regarding risk of flight, but has not rebutted the presumption of detention as to danger to the community. The Court also finds, as explained on the record, that

the government has sustained its burden of proving, by preponderant evidence, that defendant poses a significant risk of flight and, by clear and convincing evidence, that he poses a danger to the community. Further, the Court finds that there is no condition or combination of conditions of release that will ensure the safety of the community or the appearance of the defendant. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on November 16, 2017.

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge